

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE:
JOHN ANTHONY WAYNE JONES
Debtor(s)

Case No.: 16-10033
Chapter 13

Trustee's Motion for Court Determination of Final Cure and Payment

On September 11, 2020, the Trustee filed a Notice of Final Cure Payment pursuant to Fed. R. Bankr. Proc. 3002.1(f) in this case for the following mortgage:

Name of Creditor: BSI FINANCIAL SERVICES INC AS SERVICER FOR US BANK TRUST NATIONAL ASSOCIATION,
AS TRUSTEE OF THE BUNGALOW SERIES III TRUST

Last four digits of any number used to identify the debtor's account: 1216

On October 2, 2020, BSI FINANCIAL SERVICES INC filed a Response to the Notice of Final Cure indicating Debtor has paid the full amount required to cure the prepetition default and Debtor is current on all post-petition payments including all fees, charges, escrow, expenses and costs with the mortgage loan due for October 1, 2020. However, the Response did not include the unpaid principal balance, the escrow account balance, or any suspense/unapplied account balance.

A Qualified Written Request response dated September 2, 2020 has been received indicating an unpaid principal balance on the mortgage loan of \$71,826.55 with a deferred amount of \$18,433.89, an escrow account balance of \$68.02, and a suspense/ unapplied account balance of \$399.91.

Pursuant to Fed. R. Bankr. Proc. §3002.1(h), Trustee files this Motion for Determination for this Court to find that as to the mortgage obligation listed above:

1. Debtor paid in full the amount required to cure the pre-petition default as of the date of the Trustee's Notice dated September 11, 2020;
2. Debtor paid all post-petition mortgage payments due and owing as of the date of the Trustee's Notice dated September 11, 2020 and that the mortgage is contractually due for November 2020 as Trustee has made the October 2020 payment;
3. Debtor's escrow account had a positive balance and had no post-petition outstanding fees, costs or negative escrow amounts due or owing as of the date of the Trustee's Notice dated September 11, 2020 with an escrow account balance of \$68.02 as of September 2, 2020 and a suspense/unapplied account balance of \$399.91 as of September 2, 2020;
4. That the unpaid principal balance on the mortgage was \$71,826.55 with a deferred amount of \$18,433.89 as of September 2, 2020.

WHEREFORE, pursuant to Fed. R. Bankr. Proc. 3002.1(h), the Trustee moves for this determination.

Dated: October 5, 2020

Respectfully Submitted:

/s/ Debra L. Miller, Trustee

Debra L. Miller, Trustee

Standing Chapter 13 Trustee

P.O. Box 11550

South Bend, IN 46634

(574) 254-1313

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served on the parties listed below by ordinary U.S. Mail or served electronically through the Court's ECF System at the e-mail address registered with the Court on October 5, 2020.

By U.S. Mail as follows:

Debtor: JOHN ANTHONY WAYNE JONES, 502 W 22ND ST, MARION, IN 46953

Creditor: BSI FINANCIAL SERVICES INC, PO BOX 517, TITUSVILLE, PA 16354

Creditor Noticing Address: US BANK TRUST NATIONAL ASSOCIATION, C/O BSI FINANCIAL SERVICES INC, 1425 GREENWAY DRIVE, SUITE 400, IRVING, TX 75038

By electronic e-mail to the U.S. Trustee and the Debtor Attorney:

Attorney: LAW OFFICE OF STEVEN P TAYLOR PC

Creditor Attorney: MOLLY SLUTSKY SIMONS

U.S. Trustee: ustpregion10.so.ecf@usdoj.gov

Dated: October 5, 2020

/s/ Debra L. Miller, Trustee